



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Sim, Gek-Kee
Yang, Shumin
Dreitz, Matthew J.
Wonderling, Ramani S.

) Group Art Unit: 1643

)

) Examiner:

)

) DECLARATION OF
SUSAN A. GORDON

)

Serial No.: 09/451,527

)

CERTIFICATE OF MAILING

Filed: December 1, 1999

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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THIS 18 DAY OF May 2000.

Atty. File No.: IM-2-C2

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HESKA CORPORATION

For: "CANINE AND FELINE IMMUNOREGULATORY PROTEINS, NUCLEIC ACID MOLECULES, AND USES THEREOF"

)

By: Susan A. Gordon
Susan A. Gordon

)

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

I, Susan A. Gordon, have firsthand knowledge of the facts set forth in paragraphs 1-7 below.

1. Gek-Kee Sim is a joint inventor of the above-identified patent application and a former employee of Heska Corporation.

2. Dr. Sim was an employee at Heska Corporation from February 1, 1996 through August 25, 1998. The last known official address provided by Dr. Sim that Heska Corporation has on file is 3622 Terry Point Drive, Fort Collins, CO 80524.

3. On July 23, 1999, I met with Dr. Sim at the Starbuck's on Drake Avenue in Fort Collins, CO to get her signature on patent documents unrelated to the present application.

Dr. Sim informed me that she was putting her 3622 Terry Point Drive, Fort Collins, CO 80524 residence up for sale, and planned to move to the house of her acquaintance Dr. Andre Augustine.

4. In March of 2000, I called the Fort Collins Post Office and spoke with Steve O'Connell asking if Dr. Sim had left forwarding address information. Mr. O'Connell said that mail addressed to Dr. Sim at 3622 Terry Point Drive, Fort Collins, CO 80524 is not forwarded. Dr. Sim is no longer at that address and left no forwarding order.

5. On April 5, 2000, I sent a letter signed by Carol Talkington Verser (patent agent for the above-referenced patent application) addressed to Dr. Sim, c/o 543 Franklin Street, Denver, Colorado 80218-3623, asking for her review and signature of a manuscript. Dr. Sim signed the enclosure to that letter, "Heska Technical Presentation Approval Form", and returned it with a note. Copies of the letter, Dr. Sim's signature on the approval form and Dr. Sim's note, along with the envelope in which she returned them, are attached as Exhibit A. Please note that the return address on the envelope used by Dr. Sim indicates that Dr. Sim is now using 543 Franklin Street, Denver, CO as her return address.

6. On April 19, 2000, I sent a letter signed by Carol Talkington Verser, Ph.D., to Dr. Sim, c/o 543 Franklin Street, Denver, Colorado, which is the address of her known acquaintance, Dr. Andre Augustine, enclosing a Declaration and Assignment for the above-referenced patent application and requesting that she sign the documents and return them to Dr. Verser. This letter was sent by Federal Express and signed for by A. August [sic] on April 20, 2000. To date, I have not received the documents. A copy of the letter and FedEx report are attached as Exhibit B.

7. On April 26, 2000, I inquired with telephone directory assistance for both the Fort Collins, CO and Denver, CO metropolitan areas for a residential listing for Dr. Sim and was informed that there are no listings for Dr. Sim.

I hereby declare that all statements made herein of my own are true and that statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the subject application or any patent issuing therefrom.

Dated: May 18, 2000

Susan A. Gordon
Susan A. Gordon, Administrator, IP to
Carol Talkington Verser, Ph.D. (Reg. No. 37,459)
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